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16 **UNITED STATES DISTRICT COURT**

17 **NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**

19 REUBEN JOSEPH REYES,

20 Plaintiff,

21 vs.

22 ROBERT A. HOREL, et al.,

23 Defendants.

CASE NO. C 08-4561 RMW (PR)

**STIPULATION AND []
ORDER CONTINUING:**

- 1. NON-EXPERT DISCOVERY CUT-OFF;
AND
2. RELATED DEADLINES**

[Civil Local Rules 6-2 and 7-12]

Honorable Ronald M. Whyte

1. The following stipulation requests that the Non-Expert Discovery Cut-Off, set for May 30, 2011, and previously requested to be extended by one month to June 30, 2011, now be extended to **August 30, 2011**, and that all related deadlines be continued accordingly.

STIPULATION

Pursuant to Civil Local Rules 6-2 and 7-12, Plaintiff Reuben Reyes and Defendants Horel, Terry, Chadwick, Harrison, Fischer, and Berkler, by and through their respective counsel, stipulate and request as follows:

1. WHEREAS, on March 3, 2011 the Court issued a Case Management Scheduling Order (Docket No. 102), setting the Non-Expert Discovery Cut-Off for May 30, 2011;

2. WHEREAS, the parties have diligently pursued discovery matters, but have been delayed by availability and scheduling problems between the parties, the attorneys, and the state prison;

3. WHEREAS Defendant Terry is currently on medical leave and likely will be unable to appear for a deposition until August of 2011;

4. WHEREAS, the parties have had delays in document discovery because of the confidential nature of certain documents and the need for protective orders and signatures releasing certain information;

5. WHEREAS, with respect to Civil L.R. 6-2(a)(1), the parties have conferred regarding particular reasons an extension of the deadline is mutually-agreeable, including: a) the parties have noticed depositions, but have been unable to find a mutually agreeable date prior to the discovery cut-off; and b) the parties have arranged for mutually agreeable dates and locations for depositions in the months of July and August.

6. WHEREAS, with respect to Civil L.R. 6-2(a)(2), the previous time modifications in this action include: a) Defendants' motion to change time for filing a dispositive motion, which was granted by this Court on April 15, 2009 (Docket No. 21); b) a second motion to change time filed by Defendants in order to enable Defendant Chadwick to join Defendants Horel, Berkler, Harrison, and Fischer's Motion for Summary Judgment, granted by this Court on August 25, 2009 (Docket No. 65).); and c) a Stipulation and [Proposed] Order Continuing: 1. Non-Expert Discovery Cut-Off; and 2. Related Deadlines (Docket No. 104), filed May 27, 2011; and

7. WHEREAS, with respect to Civil L.R. 6-2(a)(3), a two-month continuance of the Non-Expert Discovery Cut-Off and related deadlines will likely delay the case and trial accordingly, but due to the circumstances cannot reasonably be avoided;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND REQUESTED that the Court continue the Non-Expert Discovery Cut-Off to **August 30, 2011** and continue all related deadlines accordingly.

E-FILING ATTESTATION

By his signature below, and pursuant to General Order 45, counsel for Plaintiff attests that counsel for all parties whose electronic signatures appear below have concurred in the filing of this Stipulation.

Dated: June 30, 2011

By: /s/ William J. Newsom
PEARSON, SIMON, WARSHAW & PENNY, LLP
Attorneys for Plaintiff REUBEN JOSEPH REYES

Dated: June 30, 2011

By: /s/ Michael J. Quinn

*Attorneys for Defendants FISCHER, HARRISON,
HOREL, TERRY, CHADWICK, and BERKLER*

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 7/22/11


The Honorable Ronald M. Whyte
United States District Court Judge